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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,773

09/22/2003

Andreas Birkenfeld

4100-323

3309

27799

7590

05/18/2006

COHEN, PONTANI, LIEBERMAN & PAVANE
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EXAMINER

BLAKE, CAROLYN T

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

10/668,773

Applicant(s)

BIRKENFELD ET AL.

Examiner

Carolyn T. Blake

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) 4-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 27, 2006 has been entered.

Claim Rejections - 35 USC § 103

2. Claims 1 and 9 are rejected under 35 U.S.C. 103(a) as being anticipated by Hayamizu et al (4,721,058) in view of Sigel et al (6,532,872).

Regarding claim 1, Hayamizu et al disclose a method of cross-cutting a web (5), said method comprising: printing said web (5); moving said web (5) in a running direction; and cutting said web (5) transversely to said running direction successively by means of a cross-cutting device (9) to form sheets having section lengths corresponding to said different heights; supplying said web (5) at an approximately constant speed to said cross-cutting device (9); driving said knife cylinder (69) having at least one cutting knife (75) to rotate about an axis of a cutting line by means of a motor (40); cutting said web (5) to form a sheet by operating said knife cylinder (69) during cutting at a circumferential speed corresponding approximately to the web speed; selecting a movement sequence from a memory (7) in accordance with the height of the next printed page (6) to be cut; and predefining said movement sequence to said motor so

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that the next sheet is cut with a section length corresponding to the height of the next printed page (6); communicating to the computing and storage unit (20) comprising said memory (7); and predefining the movement sequence for said motor (40) of said knife cylinder (69) in said computing and storage unit (20) cyclically so that the position of the web (5) is synchronized.

Hayamizu et al fail to expressly disclose printing the web with a repeated sequence of at least two printed pages with different heights. Clearly, the Hayamizu et al device is capable of printing any sequence of pages, including the one disclosed by Applicant, based on the desires of the user. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to print the web of the Hayamizu et al method with a repeated sequence of at least two printed pages with different heights in order to create a sequence of pages desired by the user.

Hayamizu et al fail to disclose the specific printing device used. Sigel et al disclose a method comprising printing a web in a web-fed rotary printing press having a plate cylinder (21) driven by a motor (10) controlled by a drive controller. This type of printing device is able to accommodate a variety of publications and can accommodate for different changes. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a printing press, as disclosed by Sigel et al, with the Hayamizu et al method because the press can accommodate different changes made during the printing process.

Regarding claim 9, Hayamizu et al disclose feeding said web (5) from a web-fed rotary press (8) to said cross-cutting device (9).

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3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayamizu et al in view of Sigel et al as applied to claim 1 above, and further in view of Jumel et al (4,620,466). The Hayamizu-Sigel combination fails to disclose an unwind device. However Jumel et al disclose an unwind device (42) used in a cutting machine. The unwind device saves space in comparison to a rotary press. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an unwind device, as disclosed by Jumel et al, with the Hayamizu-Sigel combination for the purpose of saving floor space.

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues a drawing machine, such as the one disclosed by Hayamizu et al, cannot be considered a printer. This argument is not understood. Since a printer is a machine that produces a document containing words, numbers, symbols, and/or pictures, certainly a drawing machine can also be considered a printer. Although Applicant argues the Hayamizu et al device is not capable of operating at a high rate of speed and constant velocity, Applicant has not claimed the rate of speed, but only requires the speed be "approximately constant" (line 10).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn T. Blake whose telephone number is (571) 272-

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4503. The examiner can normally be reached on Monday to Friday, 8:00 AM to 5:30 PM, alternating Fridays off.

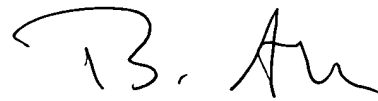
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CB

May 12, 2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER